

Superseded 5/12/2015

38-1a-308 Intentional submission of excessive lien notice -- Criminal and civil liability.

- (1) A person is guilty of a class B misdemeanor if:
- (a) the person intentionally submits for recording a notice of preconstruction lien or notice of construction lien against any property containing a greater demand than the sum due; and
 - (b) by submitting the notice, the person intends:
 - (i) to cloud the title;
 - (ii) to exact from the owner or person liable by means of the excessive notice of preconstruction or construction lien more than is due; or
 - (iii) to procure any unjustified advantage or benefit.
- (2)
- (a) As used in this Subsection (2), "third party" means an owner, original contractor, or subcontractor.
 - (b) In addition to any criminal penalty under Subsection (1), a person who submits a notice of preconstruction lien or notice of construction lien as described in Subsection (1) is liable to a third party who is affected by the lien for twice the amount by which the excessive lien notice exceeds the amount actually due or the actual damages incurred by the owner, original contractor, or subcontractor, whichever is greater.